

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALEXANDRIA H. KENNEDY,

Plaintiff,

vs.

CHRIS BUFAHL, et al.,

Defendants.

Case No. 2:09-cv-00716-RCJ-PAL

REPORT OF FINDINGS AND
RECOMMENDATION

This matter is before the court on Plaintiff's failure to comply with this court's Order (Dkt. #2). Plaintiff submitted a Complaint (Dkt. #1) on April 21, 2009, but she did not pay the \$350.00 filing fee or submit an application to proceed *in forma pauperis*. The court entered an Order (Dkt. #2) on April 24, 2009 requiring Plaintiff to either pay the filing fee or submit an application to proceed *in forma pauperis* and warned Plaintiff that failure to comply would result in a recommendation of dismissal to the District Judge. Plaintiff has not complied.

The docket sheet also shows that Plaintiff did not receive the court's Order (Dkt. #2), and that the court's mail was returned as undeliverable. LSR 2-2 provides, "The plaintiff shall immediately file with the court written notification of any change of address. . . . Failure to comply with this rule may result in dismissal of this action with prejudice." *Id.* Plaintiff has not complied with this provision of the Local Rules.

Accordingly,

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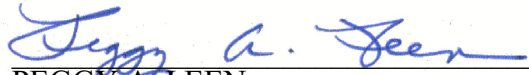
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1 **IT IS RECOMMENDED** that Plaintiff's Application to Proceed *In Forma Pauperis* be
2 DENIED and this action be DISMISSED without prejudice to the Plaintiff's ability to commence a new
3 action in which she either pays the appropriate filing fee in full or submits a completed application to
4 proceed *in forma pauperis*.

5 **IT IS FURTHER RECOMMENDED** that the Clerk of the Court enter judgment accordingly.

6 Dated this 19th day of February, 2010.

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9 PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE

10 **NOTICE**

11 These findings and recommendations are submitted to the United States District Judge assigned
12 to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within ten days after being served
13 with these findings and recommendations, any party may file written objections with the court.
14 Pursuant to Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the findings and
15 recommendations of a magistrate judge shall file and serve *specific written objections* together with
16 points and authorities in support of those objections, within ten (10) days of the date of service of the
17 findings and recommendations. The document should be captioned "Objections to Magistrate Judge's
18 Findings and Recommendations." The parties are advised that failure to file objections within the
19 specified time may waive the right to appeal the District Court's Order. Martinez v. Ylst, 951 F.2d
20 1153 (9th Cir. 1991). The points and authorities filed in support of the specific written objections are
21 subject to the page limitations found in LR 7-4.
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